

**CONSUMER SETTLEMENT ADVISORY COUNCIL
STATEMENT OF STANDARD OPERATING PROCEDURE**

WHEREAS, the Office of Consumer Protection receives settlement awards as a result of litigation or investigations brought on behalf of Montana consumers under the Consumer Protection Act; and

WHEREAS, the settlement agreement often requires distribution of funds for the purpose of consumer education, public benefit or consumer protection, or provides for funds to be distributed to local entities or organizations working to benefit consumers in the applicable field; and

WHEREAS, it is desirable to create and maintain a council to identify and recommend appropriate organizations or entities for the receipt of consumer settlement funds;

NOW, THEREFORE, I, Mike McGrath, Attorney General of the State of Montana, by the authority vested in me by Mont. Code Ann. § 2-15-122, do hereby establish the Consumer Settlement Advisory Council.

I. DEFINITIONS

The following words have the following meanings:

A. "Council" means the Consumer Settlement Advisory Council.

B. "Consumer Benefit Funds" means fines, costs, or fees awarded to the Office of Consumer Protection as the result of consumer litigation in an amount greater than the expenses of the Office, including the two year operating expense reserve maintained by the Office.

C. "Department" means the Department of Justice.

II. STATEMENT OF PURPOSE

The purpose of the Council is to assist the Attorney General in determining what non-profit, governmental, or other community organization should receive Consumer Benefit Funds in accordance with either the terms of the applicable settlement agreement or the type of consumer harmed by the unfair and deceptive practice.

III. DUTIES OF COUNCIL

per AG - mistake

A. The Council shall:

1. have quarterly meetings;
2. establish a form that allows organizations to apply for funding, requiring submittal of a proposed budget, as well as an explanation of how the money will be used and what type of consumer will be served, which will be placed on the Department's website;
3. establish a form that allows the Department and the public to recommend organizations or entities for receipt of funding, which will be placed on the Department's website;
4. issue requests for funding proposals to appropriate organizations or entities, if necessary;
5. review submitted fund proposals for connection to consumer protection, education or advocacy, or for connection to the type of consumer harmed by the unfair and deceptive practice, as directed by the settlement agreement, as well as for budgetary and service concerns outlined in (2) above;
6. recommend one or more organizations or entities for the receipt of Consumer Benefit Funds, while ensuring that the total recommended amount of funding does not exceed the Office of Consumer Protection's projected operating expenses and the two year reserve maintained by the Office;
7. ensure that the project as implemented is consistent with the project as proposed and funded, including oversight and monitoring if necessary.

B. The Attorney General shall review the Council's recommendation(s) and make the final decision.

IV. COMPOSITION

The Council shall consist of five members, including two employees of the Department and three members of the public. The members shall be appointed by and serve at the pleasure of the Attorney General. The names and addresses of the Council members have been submitted to the Secretary of State and the Office of the Governor in a separate filed record, and are attached to this Statement.

V. COMPENSATION

Council members eligible for compensation under Mont. Code Ann. § 2-15-122(5) (all members except "full-time salaried officer[s] or employee[s] of this state or any political subdivision of this state") shall be compensated by the Department in an amount not to exceed \$50 for each day in which the member is actually and necessarily engaged in the performance of Council duties. All members shall be reimbursed for travel expenses pursuant to Mont. Code Ann. § 2-15-122(5).

V. DURATION

The Council shall exist for two years from the effective date of this Statement.

Effective this 10 day of July, 2008.


MIKE McGRATH, Attorney General

Consumer Settlement Advisory Council

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